

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LINDA L. STARKE COLSTEN,)
)
)
Plaintiff,)
)
)
v.) CASE NO. 1:20-cv-3104
)
)
MUNCIE SANITARY DISTRICT,)
)
)
Defendant.)

NOTICE OF REMOVAL

Defendant, Muncie Sanitary District (the “District”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, notices the removal of an action from the Circuit Court of Delaware County, Indiana to this Court for trial and determination and as grounds therefor states as follows:

1. Plaintiff, Linda L. Starke Colsten (“Plaintiff”), initiated this action on November 2, 2020, by filing a complaint captioned *Linda L. Starke Colsten v. Muncie Sanitary District*, Cause No. 18C03-2011-CT-000120 (the “Action”), in the Circuit Court of Delaware County, Indiana. The complaint, summons, and attorney appearance were served on the District on November 10, 2020, by certified mail. True and accurate copies of the state court docket sheet, all pleadings, motions, and orders, and all other filings in the Action are attached hereto as Exhibit A.

2. Plaintiff’s complaint alleges violations of the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.* (“ADEA”); Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, 42 U.S.C. § 12101 to 12213, *et seq.* (“ADA”); and the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”).

3. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant

or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” Because Plaintiff’s claims under the ADEA, ADA, and FMLA constitute a civil action arising under the laws of the United States over which the district courts have original jurisdiction (*see* 28 U.S.C. § 1331), this cause may be removed to this Court by the District pursuant to 28 U.S.C. § 1441(c).

4. The Southern District of Indiana is the judicial district embracing the place where the state court case was brought and is pending (*see* 28 U.S.C. § 94(b)), and is thus the proper district court to which this case should be removed. *See* 28 U.S.C. § 1446(a).

5. Pursuant to 28 U.S.C. § 1446(b), this removal is timely because not more than 30 days have elapsed since Plaintiff served the District with the summons and complaint.

6. Written notice of the filing of this notice of removal of civil action will be given to Plaintiff as required by law.

7. A true and accurate copy of this notice of removal of civil action will be filed with the Clerk of the Circuit Court of Delaware County, Indiana, as required by law.

8. The Delaware Circuit Court has entered an order granting Defendant, Muncie Sanitary District, an enlargement of time to respond to Plaintiff’s complaint to and including January 4, 2021.

Respectfully submitted,

/s/ David L. Swider
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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2020, a copy of the foregoing “Notice of Removal” was filed electronically. Notice of this filing will be sent to the following parties through the Court’s Electronic Case Filing System. Parties may access this filing through the Court’s system.

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/s/ *David L. Swider*
David L. Swider

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